

California Department of Public Health
3.2 Nursing Hours Per Patient Day data as of April 5, 2016

	7/1/11-6/30/12		7/1/12-6/30/13		7/1/13-6/30/14		7/1/14-6/30/15	
Facility Audit Status (% Audited)	1095	100.00%	1100	100.00%	1094	100.00%	1087	98.91%
Compliant	943	86.12%	996	90.55%	1001	91.50%	983	90.43%
1-Day Non-Compliant	94	8.58%	69	6.27%	70	6.40%	60	5.52%
2-11 Days Non-Compliant (\$15,000 penalty)	48	4.38%	32	2.91%	19	1.74%	29	2.67%
12-24 Days Non-Compliant (\$30,000 penalty)	8	0.73%	3	0.27%	1	0.09%	3	0.28%
Not audited (Facility closed, sold, not a Skilled Nursing Facility, etc.)	2	0.18%	0	0.00%	3	0.27%	12	1.10%
Penalties Issued	56		35		21		19	
\$15,000 penalty	48		32		20		16	
\$30,000 penalty	8		3		1		3	
Status on Penalties Issued	56		35		20		19	
Penalty not issued (Facility closed, sold, etc.)	0		3		0		0	
Appeal hearing denied by Office of Administrative Hearings and Appeals	1		0		0		0	
Facility did not appeal	32		19		10		6	
Appeal overturned (Administrative Penalty stands)	22		12		6		0	
Appeal upheld (Administrative Penalty withdrawn)	1		1		1		2	
Appeal hearing pending	0		0		3		11	
Penalty amount assessed	\$ 960,000		\$ 570,000		\$ 324,000		\$ 330,000	
Penalty amount rescinded (Appeal upheld)	\$ 15,000		\$ 30,000		\$ 15,000		\$ -	
Penalty amount due	\$ 945,000		\$ 540,000		\$ 30,000		\$ 240,000	
Total penalty amount collected	\$ 942,500		\$ 540,000		\$ 294,000		\$ 90,000	

California Department of Public Health (CDPH) ensures facility compliance with the legislatively mandated minimum staffing requirement of 3.2 Nursing Hours Per Patient Day (NHPPD) by conducting audits of approximately 1100 freestanding skilled nursing facilities (SNFs) annually. CDPH conducts these audits in support of Department of Health Care Services' (DHCS) Quality and Accountability System which provides SNFs with financial incentives for provision of quality health care.

CDPH and DHCS' legislative authority to conduct the 3.2 NHPPD staffing audits and issue administrative penalties for non-compliance is contained in Health and Safety Code 1276.5 and Welfare and Institutions Code 14126.022. Additionally, W&I Code 14126.022 sets forth administrative penalties for non-compliance and establishes timeframes under which facilities may file an appeal.

Data are subject to change pending quality assurance reviews and conclusion of administrative penalty hearings.